

Cliff Fonstein  
Joanne Seltzer  
Sidley Austin LLP  
787 Seventh Avenue  
New York, New York 10019  
(212) 839-5300

Attorneys for Defendants  
Deutsche Bank Securities Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
DANIEL B. GRAVES,

Plaintiff,

- against -

DEUTSCHE BANK SECURITIES INC.

Defendant.  
----- X

:  
:  
: 07 Civ. 5471 (BSJ)  
:

: **AFFIRMATION OF CLIFF**  
: **FONSTEIN IN SUPPORT OF**  
: **DEFENDANT'S MOTION FOR**  
: **PARTIAL DISMISSAL OF**  
: **PLAINTIFF'S COMPLAINT AND**  
: **TO STRIKE PORTIONS OF THE**  
: **COMPLAINT**  
:

CLIFF FONSTEIN, an attorney at law duly admitted to practice before the Courts  
of the State of New York, hereby affirms the following under penalty of perjury:

1. I am a member of the bar of this Court and a member of Sidley Austin  
LLP, counsel for Defendant Deutsche Bank Securities Inc. As such, I am familiar with the facts  
and circumstances of the instant action.

2. A true and correct copy of the Complaint in this action filed on June 8,  
2007, is attached hereto as Exhibit A.

3. A true and correct copy of Plaintiff Daniel Graves's Charge of Discrimination, dated July 20, 2004, is attached hereto as Exhibit B.

Dated: July 3, 2007  
New York, New York

SIDLEY AUSTIN LLP

By: 

Cliff Fonstein  
Joanne Seltzer  
787 Seventh Avenue  
New York, New York 10019  
(212) 839-5300

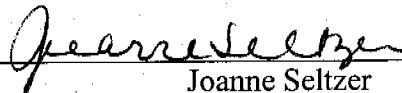
Attorneys for Defendant  
Deutsche Bank Securities Inc.

**CERTIFICATE OF SERVICE**

I, Joanne Seltzer, an attorney admitted to practice in the State of New York, and not a party to this action, state under penalty of perjury that on this 3rd day of July, 2007, I caused a true and correct copy of the foregoing Affirmation of Cliff Fonstein to be served upon the following parties:

Attorneys for Plaintiff:  
Richard T. Seymour  
Law Office of Richard T. Seymour, P.L.L.C.  
1150 Connecticut Avenue N.W., Suite 900  
Washington, D.C. 20036-4129  
(via Federal Express)

Steven A. Berger  
Berger & Webb, LLP  
1633 Broadway, 46<sup>th</sup> Floor  
New York, New York 10019  
(via hand-delivery)

  
Joanne Seltzer